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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,105	07/17/2003	Parminder Singh Sangha	248-00284	1052
26753	7590	04/26/2004	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,105	Applicant(s) SANGHA, PARMINDER SINGH	
	Examiner Nguyen N Hanh	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "electro-hydraulic actuator" must be shown or the feature canceled from claim 11. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Danko et al.

Regarding claim 1, Danko et al. disclose an electric motor arranged for passing therethrough a supply of fluid for lubricating and/or cooling said motor, the motor being provided with heating means (13 in Fig. 1) for heating the fluid when the fluid enters the motor (Col. 4, lines 5-25).

3. Claims 1 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Champagne et al.

Regarding claim 1, Champagne et al. disclose an electric motor arranged for passing therethrough a supply of fluid for lubricating and/or cooling said motor (Fig. 1 and Col. 1, lines 45-50), the motor being provided with heating means (15 in Fig. 5)for heating the fluid when the fluid enters the motor (Col. 4, lines 42-45).

Regarding claim 7, Champagne et al. also disclose an electric motor wherein the heating means (15 in Fig. 5) is arranged such that it is not in contact with the fluid.

Regarding claim 8, Champagne et al. also disclose an electric motor wherein the heating means comprises an annular heating element (15).

Regarding claim 9, Champagne et al. also disclose an electric motor wherein the heating element is mounted close to or adjacent to a region of the motor at which the fluid enters the motor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champagne et al. in view of Cochimin.

Regarding claim 2, Champagne et al. show all limitations of the claimed invention except showing the electric motor arranged such that the fluid flows through an annular gap between a rotor and a stator of a motor.

However, Cochimin discloses an electric motor arranged such that the fluid flows through an annular gap between a rotor and a stator of a motor (Fig. 1) for the purpose of cooling off the rotor.

Since Champagne et al. and Cochimin are in the same field of endeavor, the purpose disclosed by Cochimin would have been recognized in the pertinent art of Champagne et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Champagne et al. by arranging the electric motor such that the fluid flows through an annular gap between a rotor and a stator of a motor as taught by Cochimin for the purpose of cooling off the rotor.

Regarding claim 3, Cochimin also disclose an electric motor including an isolator (Fig. 2) for isolating stator windings of said stator from the fluid.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champagne et al. in view of Kawai et al.

Regarding claim 4, Champagne et al. show all limitations of the claimed invention except showing the electric motor including a temperature sensing arrangement in association with the heating means.

However, Kawai et al. disclose an electric control method using a temperature sensor (Col. 4, line 19) for the purpose of detecting the operation conditions of the engine (Col. 4, lines 5-10).

Since Champagne et al. and Kawai et al. are in the same field of endeavor, the purpose disclosed by Kawai et al. would have been recognized in the pertinent art of Champagne et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Champagne et al. by including a temperature sensing arrangement in association with the heating means as taught by Kawai et al. for the purpose of detecting the operation conditions of the machine.

Regarding claims 5 and 6, Champagne et al. also disclose an electric motor wherein the heating means is arranged to raise the temperature of the fluid to a value above -50 degrees C or no less than -40 degrees C (Col. 4, lines 42-45).

6. Claims 10 and rejected under 35 U.S.C. 103(a) as being unpatentable over Champagne et al.

Regarding claim 10, Champagne et al. disclose the invention except for showing the heating element is spring urged into contact with the motor structure, however, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claim 11, Champagne et al. disclose the invention except for showing the electric motor is employed in an electro-hydraulic actuator and the fluid being hydraulic fluid supplied by said hydraulic pump. However, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structure limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Conclusion

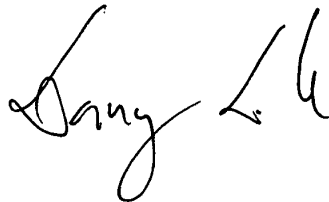
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberger, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

April 17, 2004

A handwritten signature in black ink, appearing to read 'Dang Le', is positioned above the printed name and title.

**DANG LE
PRIMARY EXAMINER**